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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PEARSON, DAVID J	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,831	NAKANO ET AL.	
	Examiner	Art Unit	
	DAVID J. PEARSON	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05102006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 1-20 have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 05/10/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 15-16, 18 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15-16 are directed towards "A computer-readable whitelist..." and "A computer-readable blacklist..." As a mere arrangement of data, a "whitelist" and a "blacklist" are nonfunctional descriptive material and therefore non-statutory subject matter. Note MPEP 2106.01 for guidance on computer related non-statutory subject matter.

Claim 18 is directed towards "A computer program..." As functional descriptive material, computer programs are non-statutory subject matter.

Claim 19 overcomes this problem, because when functional descriptive material is stored on a computer-readable medium, it becomes structurally and functionally interrelated to the medium. Therefore, claim 19 is statutory.

Claim 20 fails to overcome the deficiency of the claim it depends on. The "carrier wave" the program is transmitted via is intangible. A transitory, propagating signal is not a process, machine, manufacture, or composition of matter. Thus, a signal cannot be patentable subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-6 and 8-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Asano et al. (U.S. Patent Application Publication 2008/0072040; hereafter "Asano").

For claims 1, 14, 17-18, Asano teaches an authentication system, method and computer program including a judgment device and an object, the judgment device judging whether the object is invalid using a blacklist, the judgment device comprising:

A holding unit (note paragraph [0527]) operable to hold the blacklist (note paragraph [0176]) showing whether the object is invalid (note paragraph [0525]); and a whitelist (note paragraph [0410]) showing whether the judgment device is valid (note paragraph [0525]);

A judgment unit operable to judge whether the whitelist needs to be updated (note paragraph [0540]);

An acquisition unit operable to acquire together a latest blacklist and a latest whitelist, if the whitelist is judged as needing to be updated (note paragraph [0540]); and

An update unit operable to write together the latest blacklist and the latest whitelist respectively over the blacklist and the whitelist in the holding unit (note paragraph [0540]).

For claim 15, Asano teaches a computer-readable whitelist showing whether an object is valid, comprising:

An identifier of the object or information showing a set of identifiers of valid objects including the object, if the object is valid (note paragraph [0410]).

For claim 16, Asano teaches a computer-readable blacklist showing whether an object is invalid, comprising:

An identifier of the object or information showing a set of identifiers of invalid objects including the object, if the object is invalid (note paragraph [0176]).

For claim 2, Asano teaches claim 1, wherein

The object is a storage medium used for storing information (note Fig. 1 and paragraph [0162]),

The holding unit holds a medium blacklist showing whether the storage medium is invalid, as the blacklist (note paragraph [0525]),

The acquisition unit acquires a latest medium blacklist as the latest blacklist (note paragraph [0540]), and

The update unit writes the latest medium blacklist over the medium blacklist in the holding unit (note paragraph [0540]).

For claim 4, Asano teaches claim 1, wherein

The object is an information acquisition device (note Fig. 3 and paragraph [0165]),

The holding unit holds a device blacklist showing whether the information acquisition device is invalid, as the blacklist (note paragraph [0525]),

The acquisition unit acquires a latest device blacklist as the latest blacklist (note paragraph [0540]), and

The update unit writes the latest device blacklist over the device blacklist in the holding unit (note paragraph [0540]).

For claim 5, Asano teaches claim 4, wherein

The information acquisition device is a medium access device for any of writing information to (note paragraph [0529]) and reading information from a storage medium used for storing information (note paragraph [0554]).

For claim 6, Asano teaches claim 5, which is integrated with the information acquisition device as a single device (note Fig. 3 and paragraph [0169]).

For claim 8, Asano teaches claim 1, wherein

The judgment unit makes the judgment using information about a generation of the whitelist (note paragraph [0540]).

For claim 9, Asano teaches claim 8, wherein

The judgment unit includes:

A first acquisition subunit operable to acquire first generation information showing a required generation of the whitelist, from the object (note paragraph [0540]);

A second acquisition subunit operable to acquire second generation information showing an actual generation of the whitelist held in the holding unit (note paragraph [0540]); and

A judgment subunit operable to compare the generation shown by the first generation information and the generation shown by the second generation information, and judge the whitelist as needing to be updated if the generation shown by the first generation information is newer than the generation shown by the second generation information (note paragraph [0540]).

For claim 10, Asano teaches claim 9, wherein

The first acquisition subunit acquires a first version number showing the required generation of the whitelist, as the first generation information (note paragraph [0540]),

The second acquisition subunit acquires a second version number showing the actual generation of the whitelist held in the holding unit, as the second generation information (note paragraph [0540]), and

The judgment subunit compares the first version number and the second version number (note paragraph [0540]).

For claim 11, Asano teaches claim 1, wherein

The blacklist includes an identifier of the object if the object is invalid (note paragraphs [0176] and [0525]), and

The judgment device further comprises

An invalidity judgment unit operable to judge whether the object is invalid, by checking whether the identifier of the object is included in the blacklist (note paragraph [0536]).

For claim 12, Asano teaches claim 1, wherein

The whitelist and the blacklist are integrated as a single list (note Fig. 38).

For claim 13, Asano teaches claim 1, wherein

The whitelist includes an identifier of the judgment device or information showing a set of identifiers of valid objects including the judgment device, if the judgment device is valid (note paragraphs [0410] and [0525]), and

The blacklist includes an identifier of the object or information showing a set of identifiers of invalid objects including the object, if the object is invalid (note paragraphs [0176] and [0525]).

For claim 19, Asano teaches claim 18 being stored on a computer-readable storage medium (note paragraph [0169]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano as applied to claim 1 above, and further in view of Akishita et al. (U.S. Patent Application Publication 2002/0184259; hereafter "Akishita").

For claim 3, Asano teaches claim 1, wherein

The holding unit holds an object blacklist showing whether the object is invalid, as the blacklist (note paragraph [0525]),

The acquisition unit acquires a latest work blacklist as the latest blacklist (note paragraph [0540]), and

The update unit writes the latest work blacklist over the work blacklist in the holding unit (note paragraph [0540]).

Asano differs from the claimed invention in that they fail to teach:

The object is a digital work.

Akishita teaches:

The object is a digital work (note paragraph [0013]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Asano and Akishita. It would have been obvious because a simple substitution of the known element of a content blacklist of Akishita for the medium blacklist of Asano would yield the predictable results a device blocking items found on its blacklist.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano as applied to claim 4 above, and further in view of Candelore et al. (U.S. Patent 7,225,164; hereafter "Candelore").

For claim 7, Asano differs from the claimed invention in that they fail to teach:

The information acquisition device is a digital broadcast reception device for receiving information which is broadcast by digital broadcasting.

Candelore teaches:

The information acquisition device is a digital broadcast reception device for receiving information which is broadcast by digital broadcasting (note column 2, line 66 through column 3, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Asano and Candelore. It would have been obvious because a simple substitution of the known element of a set top box of Candelore for the content player of Asano would yield the predictable results a content reproducing device that includes a blacklist.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano as applied to claim 18 above, and further in view of Akiyama (U.S. Patent Application Publication 2003/0050970).

For claim 20, Asano teaches the program of claim 18, but fails to teach the program being transmitted via a carrier wave.

Akiyama teaches:

A program being transmitted via a carrier wave (note paragraph [0175]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the authentication program of Asano and the program transmission of Akiyama. It would have been obvious to one of ordinary skill in the art because applying the known technique of transmitting a program of Akiyama to the known device of Asano ready for improvement would yield the predictable results of a device programmed to perform is functionality.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PEARSON whose telephone number is (571) 272-0711. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. J. P./
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437